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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX ) MDL CASE NO.: 05-CV-1699  
MARKETING SALES PRACTICES AND )  
PRODUCT LIABILITY LITIGATION )

ACQUAROLE, et al., ) CASE NO. CGC-06-449463  
 ) MDL Case No. 06-2392 CRB

Plaintiffs, ) STIPULATION AND ORDER OF  
 ) DISMISSAL WITH PREJUDICE  
vs. ) AS TO PLAINTIFF DANIEL ZABARSKY

PFIZER, INC., et al. )

Defendants. )

COME NOW, Plaintiff DANIEL ZABARSKY and Defendants PFIZER, INC., et al., by  
and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE  
AS TO PLAINTIFF DANIEL ZABARSKY**

and hereby stipulate to the dismissal of Plaintiff DANIEL ZABARSKY from this action, with prejudice, each side bearing its own attorney's fees and costs.

Respectfully submitted,

Dated: September 24, 2009

**KABATECK BROWN KELLNER LLP**

By: 

Brian S. Kabateck, Esq.

Attorneys for Plaintiff DANIEL ZABARSKY

Dated: October 27, 2009

**DLA PIPER LLP**

By: 

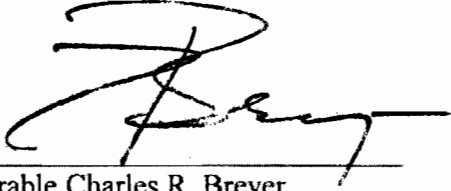
Matthew A. Holian

Attorney for Defendants PFIZER, INC., et al.

**ORDER**

**PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS SO ORDERED.**

Dated: OCT 29 2009

  
Honorable Charles R. Breyer  
United States District Court